

GOVERNMENT OF ANDHRA PRADESH  
ABSTRACT

Arbitration – Suits – Settlement of decree in O.S. No.97/1998, dated 19-02-2001 of the V<sup>th</sup> Addl.District Judge, Visakhapatnam by way of conciliation with Sri J.Suresh Chandra Reddy, Contractor in respect of the work relating to strengthening the banks Yanamaduru Drain from KM 48.50 to 52.00 under Agrt.No.LCB No.SE/CERP/ELR/ 2/93-94, dated 07-05-1993 for an amount of Rs.21,50,000/- as full and final settlement – Sanction – Orders – Issued.

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IRRIGATION & COMMAND AREA DEVELOPMENT (ARB) DEPARTMENT.

G.O.(Ms.) No. 27

Dated the 22<sup>nd</sup> March, 2010.  
Read the following:-

1. From Sri J.Suresh Chandra Reddy, Contractor, Visakhapatnam, representation dated 15-04-2008.
2. Govt.Memo.No.11898/ARB./08, I & CAD (ARB.) Dept. dt.16.7.08.
2. From the Engineer-in-Chief, Irrgn., I & CAD Dept., Lr. No.ENC(I)/DCE (GDS)/OT.2/AEE/ARB/Yenamaduru/Drain/08, dated 11-11-08, 29-04-2009 & dated.17-08-2009.

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O R D E R:

Sri J.Suresh Chandra Reddy, Contractor, Visakhapatnam, in the representation first read above, has stated that the work relating to strengthening the banks Yanamaduru Drain from KM 48.50 to 52.00 was awarded to him under Agrt.No.LCB No.SE/CERP/ELR/2/93-94, dt.07-05-1993. Thereafter the said work agreement was terminated on 31-07-1995. Aggrieved by this, he was filed civil suit before the Hon'ble District Court, Visakhapatnam and the Hon'ble Court partly allowed the suit and passed a decree and judgement in his favour. Aggrieved by the decree, Dept. preferred a First Appeal with a delay and the same was declined to condone the delay. Govt. moved to Hon'ble Apex Court and the same was allowed and remanded back to the Hon'ble High Court. At this juncture, he has submitted a representation, before the Hon'ble High Court through his Advocate, wherein, he has expressed his willingness for negotiation and the Hon'ble High Court has permitted. Hence, he has requested the Govt. to negotiate and settle the issue amicably out of court.

2. In the Govt.Memo.second read above, based on the representation of the Contractor, the case has been referred to the Conciliation Committee for Andhra Region for an amicable settlement.

3. The Engineer-in-Chief (Irrgn.), Hyderabad in the reference third read above, has reported that the issue has been discussed in the Committee meeting held on 17-09-2008 and 22-10-2008 and Committee has opined that since no amicable settlement is reached between the Committee and contractor / plaintiff, there is no point in further conciliation at the Committee level. Therefore, the Committee had decided to request the Principal Secretary to Government to take up the matter at his level and the Contractor/Plaintiff has also agreed for the same. Based on the report of the Committee, the Principal Secretary to Government has held conciliation with the contractor on

**P.T.O.**

02-12-2008 and the Contractor has requested for one more sitting with the Conciliation Committee for Andhra Region. Based on the above request, the case has again been referred to the Committee.

4. The Engineer-in-Chief (Irrgn.), Hyderabad in his further letter dated 29.04.09, while furnishing the minutes of the meeting held on 21-01-2009 and 25-04-2009, has stated that after detailed discussions with the Claimant/Contractor, the Conciliation Committee has recommended for an amount of Rs.22,52,377/- as full and final settlement of the decree in O.S.No.97/98, dated 19-02-2001 of the V<sup>th</sup> Addl. District Judge, Visakhapatnam and the Contractor has also agreed and gave his consent.

5. In compliance of the directions of the Hon'ble High Court of A.P. in A.S.No.2121 of 2004, dated 25-04-2008 and as per the representation of the contractor dated 15-04-2008, the Principal Secretary to Government has held final conciliation with the contractor on 11-05-2009 and settled the case for an amount of Rs.21,50,000/- as full and final settlement. Accordingly, the Engineer-in-Chief (Irrgn.), Hyderabad has obtained the notarized Affidavit from the Contractor and furnished the same to the Government. In his Notarized Affidavit, while expressing his acceptance to the settlement, Sri J. Suresh Chandra Reddy, Contractor has declared that he will withdraw all the legal proceedings pending in the Hon'ble Court or any legal forms, if any, in respect of the subject work, after realization.

6. Government after careful examination of the matter hereby sanction an amount of Rs.21,50,000/- (Rupees twenty one lakhs and fifty thousand only) as full and final settlement of the decree in O.S.No.97/98, dated 19-02-2001 of the V<sup>th</sup> Additional District Judge, Visakhapatnam in respect of the work relating to strengthening the banks Yanamaduru Drain from KM 48.50 to 52.00 to Sri J.Suresh Chandra Reddy, Contractor under Agrt. No.LCB No.SE/CERP/ELR/2/93-94, dated 07-05-1993.

7. The amount sanctioned in para ( 6 ) above, shall be debited to the following head of account:

**"4711 COL on FCP (03) Drainage – GH(11) NSP - MH 103  
Civil Works – SH (07) Godavari Delta Area – 530 MW/531  
OE"**

8. The Engineer-in-Chief (Irrgn.), Hyderabad, is directed to arrange to pay the amount sanctioned at para ( 6 ) above, to Sri J.Suresh Chandra Reddy, Contractor, duly deducting the amounts that are recoverable on whatsoever account.

9. This order issues with the concurrence of Finance (W&P) Dept. vide their U.O.No.4481/118/Expr.PW/10, dated 06-03-2010.

( BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH )  
S.P.TUCKER,  
PRINCIPAL SECRETARY TO GOVERNMENT.

To  
The Engineer-in-Chief (I), I & CAD Dept., Jalasoudha Buildings,  
Errum Manzil, Hyderabad.

**Contd/- 3**

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The Superintending Engineer, Irrigation Circle, Eluru.

Copy to:

The Director, Works Accounts, A.P., Hyderabad.

Sri J. Suresh Chandra Reddy, H.No.4-69-28/1,  
2<sup>nd</sup> floor Lawson's Bay Colony,  
Visakhapatnam – 530 017.

I & CAD (P&B) Dept.

Finance (W&P) Dept. (with a request to  
release LOC for the sanctioned amount.

The Accountant General, A.P., Hyderabad.

The Learned Advocate-General, High Court of A.P.,  
High Court Buildings, Hyderabad.

The Government Pleader. for Irrgn., High Court of A.P.,  
High Court Buildings, Hyderabad.

S.C.            S.F.

// FORWARDED :: BY ORDER //

SECTION OFFICER.